

bill were saying repeatedly, if this is the existing law and there are criticisms of it, why were not attempts made to change the existing law? And I mentioned that when those bills came before us, I had made such an effort and was not successful. That is the background. When a bill comes before us, it contains more than just the amendatory language. It contains the provision of statute already on the books which is being affected by that amendatory language. Any aspect of that provision of statute is open to amendment once that matter is appropriately before us. Senator Witek has brought before us the section of statute that states the classifications of punishments or penalties. When the Criminal Code, as it is called now, was enacted, the theory behind the whole thing in setting up a schedule of punishments was to get away from the idea of writing different little sentences and penalties each time somebody brought a bill that created a new offense. A favorite one would be one to three years, three to five years, five to ten years, and throughout the statute there were all these varying types of penalties, but when you once begin to look at the kind of offenses to which these miscellaneous types of punishments have been attached, it was clear that the penalty was stiffer than it ought to have been based on the punishment, based on the offense. So I'm going to give you a chance to help me correct this situation and ask you to strike this word "mandatory". You don't change the minimum and that is the presentation I will make on that particular amendment.

PRESIDENT MOUL PRESIDING

PRESIDENT MOUL: Thank you, Senator Chambers. Senator Witek.

SENATOR WITEK: Madam President, members of the body, we are looking at the first page of my amendments. The reason that this was in the amendment at all was to give you the opportunity to look on the first page to clarify some of the language that is given at later times in the amendments. I know that Senator Chambers asserts that if it is here it is fair game to change. I don't agree with him. I would ask that you not pass his amendment for any changes in this part of the statute. I would ask that you vote this down and allow me to withdraw this part of the amendment, and follow to the next section of the amendment, which is, if you will look on page 3, lines 6 through 9, it talks about mandatory minimums and that is why you had this part of the amendment in the first place.